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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,105	05/24/2000	EDILIO LIVIO ALPINI	3918ELA-1	9265

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EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 10/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/555,105		ALPINI, EDILIO LIVIO	
	Examiner		Art Unit	
	Lynda M Salvatore		1771	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification layout does not contain any sub-headings. Appropriate correction is required.
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.
 - (a) TITLE OF THE INVENTION.
 - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
 - (c) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
 - (d) BRIEF SUMMARY OF THE INVENTION.
 - (e) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
 - (f) DETAILED DESCRIPTION OF THE INVENTION.
 - (g) CLAIM OR CLAIMS (commencing on a separate sheet).
 - (h) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
3. The disclosure is objected to because of the following informalities: The specification refers to claim 1 on page 2, line 10. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-3, 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 1 is indefinite because of the term "closed" which is used to describe the edging conductive fabric. The term "closed" is not defined by the claim, the specification does not

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provide a standard for ascertaining the requisite degree of "closed", and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Does "closed" refer to the tightness of the weave?

7. Claim 2 is indefinite because it is unclear to the Examiner what is meant by "dry knitted".

8. Claim 3 is indefinite because of the terms "crisscrossed lattice" which is used to describe the orientation of the conductive filaments making up the conductive edging fabric. It is unclear to the Examiner what the Applicant means by "crisscrossed lattice".

9. Claim 4 is indefinite because of the use of the term "specific", which is used to indicate the cutting frequency and resonance frequency. The "specific" cutting frequency and resonance frequency is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree of "specific", and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 1-3 and 7-10 are rejected under 35 U.S.C. 102 (e) as being anticipated by Banks, US 5,991,922.

The patent issued to Banks discloses a garment comprising conductive material, which is connected to an electronic voltmeter for the purpose of displaying values to the wearer (Abstract). The garment includes a mass of conductive threads (Column 1, line 30-32) and electrically conductive ribbon which is designed to edge the seams of the garment extending from the cuff to the sleeve section and down the underarm and then upward within the arm seam, across the collar, where it is terminated. A second electrically conductive ribbon extends from the arm seam across the collar and then part way down the opposite arm seam (Column 4, lines 10-18 and figure 1). The strands within the conductive fabric and ribbon are spaced apart and woven in a crisscross pattern (Column 4, lines 1-5 and 7-11). An electrical connector connects the electrically conductive ribbon extension, which can connect to an electrical wire and terminates into a plug connector (Column 4, lines 40-49 and Figure 1). Banks also teaches that the voltmeter display may be manufactured small enough so that it may be worn directly in the garment (Column 2, lines 50-52). Banks teaches that the garment may be manufactured into a paint suit, smock or any other type of over-garment (Column 2, lines 27-31).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks, US 5,991,922 as applied to claim 1 above.

Banks fails to disclose the elements of the electronic voltage reading circuit, however, it would be obvious that the construction of an electronic circuit would include the basic elements of a parallel resonator and would have the desired capacitance and resistance.

With regard to claims 11 and 12, Banks teaches the garment may be constructed into various forms such as a suit or smock and that the electronic circuit element could be manufactured small enough to be worn on the inside of the garment. Therefore, it would have been obvious to use the teachings of Banks and construct a hat of the electrically conductive fabric to expand the invention applications.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US 5073984
US 5103504
US 4668545
WO 96/37647
US 6,381,482
US 6,291,375


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Is 
October 1, 2002


CHERYL A. JUSKA
PRIMARY EXAMINER